



Entered on Docket  
November 01, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining Thirteenth Omnibus  
Objection Of USACM Trust To Duplicate  
Proofs Of Claim**

Hearing Date: October 18, 2011

Hearing Time: 1:30 p.m.

The Court having considered the "Thirteenth Omnibus Objection Of USACM Trust To Duplicate Proofs Of Claim [DE 9065] (the Objection) at the hearing held on October 18, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; and good cause appearing it is:

**IT IS ORDERED** that:

1. The Objection [DE 9065] is sustained;

1           2.     **Exhibit A**, attached, lists Proofs of Claims that appear to be duplicates of  
2 other proofs of claims that were filed by the same creditors in the USACM bankruptcy  
3 estate;

4           3.     **Exhibit A** identifies the claimant, the claimant's address, the claim number,  
5 the amount of the duplicate claim, the basis for the objections, the claim number that the  
6 USACM Trust counted as a valid claim and processed accordingly; and,

7           4.     The duplicate Proofs of Claims listed on **Exhibit A** are disallowed in their  
8 entirety.

9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**

11  
12 By /s/ John Hinderaker (AZ #018024)

13 Robert M. Charles, Jr.

14 John Hinderaker (*pro hac vice*)

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## LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

\_\_\_\_\_ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

\_\_\_\_\_ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: \_\_\_\_\_

\_\_\_\_\_ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: <u>Augie Landis</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:  
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)  
Attorneys for USACM Liquidating Trust

# # #

Proof of Claim Being Disallowed as Duplicate	Claimant's Name and Address	Duplicate Claim Amount	Basis for Objection	Processed Claim Number <sup>1</sup>	Processed Claim Amount <sup>1</sup>
10725-01683-3	Mcknight, James E 233 Branch Ave Freeport, Ny 11520	50,633.33	Claim 10725-01683-2 is based on an investment in Binford Medical Developers, LLC and is a duplicate of claim 10725-01683. The claim was erroneously filed twice. Claim 10725-01683 was included in the objection to claims based on the Binford Medical Developers, LLC loan.	10725-01683	50,633.33
10725-01815-2	Raymond Troll Trust C/O Raymond Troll Trustee 77420 Sky Mesa LN Indian Wells, CA 92210-6103	29,794.30	Claim 10725-01815-2 is based on an investment in Roam Development and is a duplicate of claim 10725-01815. The claim was erroneously filed twice. Claim 10725-01815 has been resolved per orders disallowing claims based on the Roam Development loan.	10725-01815	29,794.30
10725-01816-2	Raymond Troll Trust C/O Raymond Troll Trustee 77420 Sky Mesa LN Indian Wells, CA 92210-6103	29,794.30	Claim 10725-01816-2 is based on an investment in Oak Shores and is a duplicate of claim 10725-01816. The claim was erroneously filed twice. Claim 10725-01816 was allowed due to being matched to an allowed claim listed on the debtor's third amended schedule F-1.	10725-01816	29,794.30
10725-01886-2	Schoonover Family Trust Dated 2/23/04 Edward L & Susan A Schoonover Co-Ttees 2841 S. Alderwood Circle Mesa, AZ 85212-2930	29,227.19	Claim 10725-01886-2 is based on an investment in Universal Hawaii and is a duplicate of claim 10725-01886. The claim was erroneously filed twice. Claim 10725-01886 was replaced by claim 10725-2134.	10725-01886	29,227.19
10725-01887-2	Schoonover Family Trust Dated 2/23/04 Edward L & Susan A Schoonover Co-Ttees 2841 S. Alderwood Circle Mesa, AZ 85212-2930	42,277.83	Claim 10725-01887-2 is based on an investment in Freeway 101 and is a duplicate of claim 10725-01887. The claim was erroneously filed twice. Claim 10725-01887 was replaced by claim 10725-2136.	10725-01887	42,277.83

<sup>1</sup>Claim may have been disallowed or allowed by order of this Court.

Proof of Claim Being Disallowed as Duplicate	Claimant's Name and Address	Duplicate Claim Amount	Basis for Objection	Processed Claim Number <sup>1</sup>	Processed Claim Amount <sup>1</sup>
10725-01888-2	Schoonover Family Trust Dated 2/23/04 Edward L & Susan A Schoonover Co-Ttees 2841 S. Alderwood Circle Mesa, AZ 85212-2930	15,779.60	Claim 10725-01888-2 is based on an investment in Bay Pompano Beach, LLC and is a duplicate of claim 10725-01888. The claim was erroneously filed twice. Claim 10725-01888 was replaced by claim 10725-2147.	10725-01888	15,779.60
10725-01908-2	Germain, Stanley C & Dorothy Po Box 307 Montrose, CA 91021-0307	1,164.97	Claim 10725-01908-2 is based on an investment in Roam Development Group L.P. and is a duplicate of claim 10725-01908. The claim was erroneously filed twice. Claim 10725-01908 was allowed due to being matched to an allowed claim listed on the debtor's third amended schedule F-1.	10725-01908	1,164.97
10725-01965-2	Harouff Jt Ten, Dwight W & Mary Ann 5680 Ruffian Rd Las Vegas, NV 89149	253,732.40	Claim 10725-01965-2 is based on an investment in Marlon Square and is a duplicate of claim 10725-01965. The claim was erroneously filed twice. Claim 10725-01965 has been resolved per orders disallowing claims based on the Marlon Square loan.	10725-01965	253,732.40
10725-02013-2	Krusee Canepa, Scott C/O Laurel E Davis Lionel Sawyer & Collins 300 South Fourth St ste 1 Las Vegas, NV 89101	-	Claim 10725-02013-2 is based on investments in Boise/Gowen, Hasley Canyon (Los Valles Land & ), and Opaque/Mt. Edge \$7,350,000 and is a duplicate of claim 10725-02013. The claim was erroneously filed twice. Claim 10725-02013 has been resolved per orders disallowing claims based on each loan listed above.	10725-02013	-
10725-02100-2	Bruggemans, Paul 385 W Tahquitz Canyon Way Palm Springs, CA 92262-5647	200,000.00	Claim 10725-02100-2 is based on an investment in Margarita Annex and is a duplicate of claim 10725-02100. The claim was erroneously filed twice. Claim 10725-02100 was included in the objection to claims based on the Margarita Annex loan.	10725-02100	200,000.00

<sup>1</sup>Claim may have been disallowed or allowed by order of this Court.